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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013 - 390*

11 **DONNA PATRICE PRICKETT, AKA**
12 **DONNA PATRICE PRICKETT FOX, AKA**
13 **DONNA PATRICE FOX PRICKETT**
14 **6979 CO Hwy 27**
Springville, AL 35146

A C C U S A T I O N

15 **105 Smith Lane**
Oneonta, AL 35121

16 **Registered Nurse License No. 596872**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about March 27, 2002, the Board of Registered Nursing issued Registered
25 Nurse License Number 596872 to Donna Patrice Prickett, aka Donna Patrice Prickett Fox, aka
26 Donna Patrice Fox Prickett ("Respondent"). The Registered Nurse License expired on July 31,
27 2003, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ..."

1 8. Section 2811, subdivision (b) of the Code provides:

2 "Each such license not renewed in accordance with this
3 section shall expire but may within a period of eight years thereafter
4 be reinstated upon payment of the biennial renewal fee and penalty
5 fee required by this chapter and upon submission of such proof of
6 the applicant's qualifications as may be required by the board,
7 except that during such eight-year period no examination shall be
8 required as a condition for the reinstatement of any such expired
9 license which has lapsed solely by reason of nonpayment of the
10 renewal fee. After the expiration of such eight-year period the board
11 may require as a condition of reinstatement that the applicant pass
12 such examination as it deems necessary to determine his present
13 fitness to resume the practice of professional nursing."

14 REGULATORY PROVISIONS

15 9. California Code of Regulations, title 16, section, 1419.3 provides:

16 "In the event a licensee does not renew his/her license as provided
17 in Section 2811 of the code, the license expires. A licensee
18 renewing pursuant to this section shall furnish a full set of
19 fingerprints as required by and set out in section 1419(b) as a
20 condition of renewal.

21 (a) A licensee may renew a license that has not been expired for
22 more than eight years by paying the renewal and penalty fees as
23 specified in Section 1417 and providing evidence of 30 hours of
24 continuing education taken within the prior two-year period.

25 (b) A licensee may renew a license that has been expired for more
26 than eight years by paying the renewal and penalty fees specified in
27 Section 1417 and providing evidence that he or she holds a current
28 valid active and clear registered nurse license in another state, a
United States territory, or Canada, or by passing the Board's current
examination for licensure."

29 COST RECOVERY

30 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Alabama Board of Nursing)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
5 disciplined by the Alabama Board of Nursing ("Alabama Board") as follows:

6 12. On or about July 13, 2007, pursuant to the Findings of Fact, Conclusions of Law
7 and Order of the Alabama Board of Nursing in the disciplinary matter entitled *In the matter of N.*
8 *Genell Lee, RN, MSN, JD, Executive Officer, Alabama Board of Nursing v. Donna Patrice Fox*
9 *Prickett, License No. 1-074450, ABN Case No. 2006-1155*, the Alabama Board suspended
10 Respondent's registered nurse license until such time that Respondent undergoes a chemical
11 dependency, physical and mental illness evaluation and completes phase one of treatment.
12 Further, the Order provided that the period of suspension would extend no longer than twelve
13 months past the effective date of the Order. Should Respondent fail to undergo the evaluation and
14 complete phase one of treatment, Respondent's license status would be considered revoked.

15 13. The basis for the Order is that on or about June 18, 2003, while employed as a
16 Registered Nurse by StarMed Staffing Group and assigned to Brookwood Medical Center,
17 Birmingham, Alabama, Respondent was impaired while on duty due to the use of alcohol and
18 drugs. Respondent's blood alcohol content was 0.17%. Respondent admitted to consuming wine
19 prior to reporting for work. Further, on or about October 19, 2003, Respondent reported for work
20 at Carraway Methodist Medical Center, Birmingham, Alabama, with the smell of alcohol on her
21 breath. A drug screen was ordered, which Respondent refused.

22 14. On or about October 10, 2008, when Respondent failed to complete a chemical
23 dependency, physical and mental illness evaluation, Respondent's registered nurse license was
24 revoked by the Alabama Board.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct)**

27 15. Respondent is subject to disciplinary action under Code section 2761, subdivision
28 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more

1 particularly described in paragraphs 12 through 14, inclusive, above, and herein incorporated by
2 reference.

3 **PRAYER**

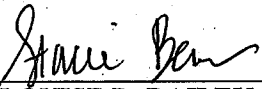
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 596872, issued to Donna
7 Patrice Prickett, aka Donna Patrice Prickett Fox, aka Donna Patrice Fox Prickett;

8 2. Ordering Donna Patrice Prickett, aka Donna Patrice Prickett Fox, aka Donna Patrice
9 Fox Prickett to pay the Board of Registered Nursing the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: NOVEMBER 9, 2012

15 *for* 
16 LOUISE R. BAILEY, M.ED., RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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